

Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SOUND ACTION, FRIENDS OF THE	)	
SAN JUANS, AND WASHINGTON	)	No. 18-cv-00733-JLR
ENVIRONMENTAL COUNCIL,	)	
	)	STIPULATED MOTION AND
Plaintiffs,	)	ORDER OF DISMISSAL
	)	
v.	)	
	)	
UNITED STATES ARMY CORPS OF	)	NOTED FOR APRIL 16, 2020
ENGINEERS,	)	
	)	
Defendant.	)	
_____	)	

In view of the Court’s October 30, 2019, order, granting the motion for voluntary remand filed by the United States Army Corps of Engineers (the “Corps”), and the Corps’ voluntary actions in response to that remand, the Corps moves the Court for entry of an order dismissing this case with prejudice.<sup>1</sup> This dismissal is subject only to the Court retaining jurisdiction to

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<sup>1</sup> The Corps notes that, in its previously-filed Status Report (Doc. No. 43, p. 3), the Corps informed the Court of its plan to hold a public outreach event at its Seattle Offices on March 19, 2020. In view of public health concerns associated with COVID-19, the Corps rescheduled that event for June 4, 2020.

STIPULATED MOTION AND ORDER OF  
DISMISSAL

1 review and resolve any petition for attorneys' fees and costs that Plaintiffs Sound Action, et al.,  
2 may file under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. The Corps reserves  
3 the right to oppose any such petition for fees and costs on any grounds.

4 To afford the Parties an opportunity to pursue a settlement of such a fee petition, they  
5 propose the following proceedings: Plaintiffs file a motion for fees and costs within 30 days of  
6 the date of an order of dismissal and a concurrent motion to stay all briefing (including Plaintiffs'  
7 opening memorandum) on the motion for fees and costs for 90 days in order to facilitate  
8 settlement discussions. Plaintiffs' motion for fees and costs shall identify the full amount  
9 Plaintiffs seek and shall include a breakdown of the attorney hours Plaintiffs used to develop  
10 such amount. Provided this motion for fees and costs is filed within this 30-day period, the  
11 Corps stipulates that it will not contest the timeliness or completeness of Plaintiffs' motion for  
12 fees and costs, for purposes of satisfying the 30-day filing period in EAJA.  
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14 Plaintiffs stipulate to this motion and proposed order.  
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29 STIPULATED MOTION AND ORDER OF  
DISMISSAL

**ORDER DISMISSING CASE**

Based on this stipulated motion, and for good cause shown, it is hereby ORDERED on this 17th day of April, 2020, that this case is DISMISSED with prejudice. The Court will retain jurisdiction only to review and resolve any motion for attorneys' fees and costs that Plaintiffs Sound Action, et al., may file under the Equal Access to Justice Act, 28 U.S.C. § 2412. The Corps reserves the right to oppose any such petition for fees and costs on any grounds.

Plaintiffs shall file a motion for fees and costs within 30 days of the date of this order of dismissal and a concurrent motion to stay all briefing (including Plaintiffs' opening memorandum) on the motion for fees and costs for 90 days in order to facilitate settlement discussions between the Parties.

  
U.S. District Court Judge

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing filing was electronically filed with the Clerk of the Court on April 16, 2020, using the Court's electronic filing system, which will send notification of said filing to the attorneys of record that have, as required, registered with the Court's system.

/S/ David Kaplan

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